2: Schapera E-4, 5 (no date) 1930
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• 68 Theft as a rule is punished by flogging, administered with the sjambok, and the thief must also make twofold restitution. Sexual crimes, such as incest, adultery, and rape, are, as we have seen, punished by fines, floggings, confiscation of property, or even by death, according to the nature and circumstances of the offence. A man who insults or slanders the chief or a councillor is flogged till he becomes unconscious; if he slanders a dead man he is fined one or two head of small stock, and if the offence is repeated he receives fifty lashes and must pay a fine in cattle. The infliction of mild bodily injuries meets with a fine, and the culprit must, in addition, support the victim and his family until the former is well again; if the injured man is himself the cause of the strife, his assailant goes free. In severe bodily injuries leading to death, it is specially investigated if the wounds were deliberately caused or not. In the latter case all the assailant's property is given to the relatives of the deceased, and he receives a severe flogging as well, unless his relatives ransom him by paying a heavy fine. In the former case he was sentenced to death. The death sentence was also imposed for high treason, deliberate murder, and incorrigible stealing. Incorrigible thieves were stoned or beaten to death, but a murderer was killed in the same way as he had caused the death of his victim. If by shooting, then he was also shot; if by stabbing, then he was stabbed; if by beating, then he was also beaten to death, and so on. Wandres states also that a sorcerer who by his magic had caused the death of a man was killed and his body burned, but this lacks confirmation. Attempted homicide is punished by a flogging of from a hundred to a hundred and fifty lashes, unless the intended victim is the chief, when in former days the assailant was sentenced to death.

681 696 In the infliction of these punishments, the poorer members of the tribe, the servants and other inferiors usually come off worst. This is a point made by several reliable observers, and emphasized by Vedder, when he says: "Since South-West has become a colony and a mandated territory, confidence in their own jurisdiction has decreased even where it has been left in their hands. They do not regard their own judges as impartial enough to administer justice to the complainant or accused." This is no wonder! As a result of their close cohabitation it is very difficult for a judge to administer justice quite regardless of the person and his property."[1] The more wealthy and influential people are on the whole treated less severely,

[1] Op. cit., 129.